

## **EXHIBIT 16**



**Joshua Chatwin  
vs.  
Draper City, et al.  
Civil No. 2:14-cv-375**

**Deposition of: Kenneth R. Wallentine**  
Date Taken: June 28, 2016

Alpine Court Reporting  
Location in Salt Lake City and Provo  
801-691-1000

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1           Q.    Is that why you say here, "This policy  
2    was similar to many policies that were commonly in  
3    use throughout the state of Utah at the time"?

4           A.    Correct.

5           Q.    Is there any other reason that you would  
6    know they were commonly in use?

7           A.    Any other reason than what I explained  
8    here?

9           Q.    Yeah. I mean, you said you're aware.  
10   How do you know that the majority of those were  
11   the same?

12          A.    Prior to -- prior to 2010, I don't recall  
13   just exactly what year this happened, but a  
14   discussion arose first with the Chiefs of Police  
15   Association, which, back then, I was a member of.  
16   In one of the association meetings, a discussion  
17   emerged about the state of policy in the state of  
18   Utah. And independently of that, I had been doing  
19   some work with a couple of agencies.

20           I had actually done a policy manual -- an  
21   entire policy manual for one agency and was  
22   working on some individual policies for another  
23   agency when a friend of mine said to the chiefs  
24   association, "Look, I've been looking at other  
25   states that have uniform policy approaches and I

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1       A. It has been in the last few years, but I  
2 can't tell you exactly when. I haven't been  
3 employed there for some years, so --

4       Q. Were they -- was POST part of that  
5 committee you were talking about that revised the  
6 policies on the use of force?

7       A. There was not a POST member of the  
8 committee, but there were people from POST who  
9 were involved in most of the discussions. When it  
10 came to one policy, in particular, POST was a core  
11 member of the group.

12      Q. For what policy?

13      A. Pursuit.

14      Q. Okay. Who was on that committee?

15      A. Terry Keefe.

16      Q. Where were they from?

17      A. Terry Keefe at the time was the president  
18 of the Utah Chiefs of Police Association.

19      Q. And, I'm sorry, what time was this, about  
20 when that was again?

21      A. It was in the time frame of the late --  
22 what do you call those -- aughts -- '08, '09, '10,  
23 that time period. It took a while for this  
24 process to unfold. Terry Keefe, he was the chief  
25 of police at Layton Police Department. Paul --

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1 prepared by an official committee that was  
2 sanctioned by the State, by Peace Officers  
3 Standards and Training. But this group to which I  
4 reference official, sanctioned by the State, no.  
5 This was a group that was collaboratively  
6 assembled by the executives of the Utah Chiefs of  
7 Police Association and the Utah Sheriffs'  
8 Association soliciting input from some other  
9 groups.

10 I mean, there are -- Utah -- you have  
11 chiefs and sheriffs, but there are also -- there's  
12 this family through outliers of unique law  
13 enforcement agencies. And we had some of those  
14 folks involved. Sid Groll, G-R-O-L-L, also  
15 participated in those discussions. He was the  
16 chief of -- is the chief -- one, he's not retired.  
17 He is the Chief of Law Enforcement for the Utah  
18 Department of Natural Resources. There are two  
19 law enforcement agencies housed in that body.

20 Q. So did you -- so just -- I know I said we  
21 were going to talk about Draper, but I can be a  
22 sidetrack Sally sometimes. So the purpose of the  
23 committee was what originally?

24 A. Originally -- the committee originally  
25 was formed to try and provide some uniformity, as

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1 well as some -- as well as to ensure that the  
2 state of policies in use by Utah agencies on  
3 critical issues were representative of the best  
4 practices at the time. That they were not  
5 outdated.

6 Q. And that included use of force?

7 A. Yes, it did.

8 Q. And then once everybody met, what do they  
9 do with their collaboration?

10 A. Early on in the process, Chief Keefe  
11 brought in a group from California that was  
12 providing policy services throughout the state of  
13 California and a couple of other states. And then  
14 the focus of the committee shifted to reviewing  
15 this particular group's policies, their processes  
16 for creating and maintaining policies, and  
17 assessing whether this group's work would be a  
18 good fit in the state of Utah in making a decision  
19 about whether the group wanted to pursue some kind  
20 of relationship with this particular group or  
21 whether it would be best that the chiefs and  
22 sheriffs went off to another provider.

23 There are different providers in the law  
24 enforcement world of policy services. And so the  
25 committee looked at -- different members of the

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1 Q. -- his opinion.

2 A. I agree with -- so page 4, again using  
3 the court numbers, I agree with his general  
4 characterization of the policy. You know, we've  
5 spoken about that that it is essentially a  
6 vernacular restatement.

7 Q. So you think it is a -- when he uses the  
8 word conclusory here, do you think it's a  
9 conclusory statement?

10 A. I don't know that that's conclusory.  
11 It's really -- no, I wouldn't use that term. Then  
12 he goes on and essentially says the same thing a  
13 couple of different ways. I certainly agree that  
14 having a policy is but a part -- he says the first  
15 step in preparing an officer to make a force  
16 decision. I agree with that. I agree that  
17 training is critical. I certainly agree that the  
18 2013 policy is more comprehensive than any of its  
19 factors (a) through (q).

20 I don't agree that the training at the  
21 police academy is meant to provide just the  
22 minimum amount of training necessary. That's  
23 certainly not the objective of the State of Utah  
24 and Peace Officers Standards and Training.

25 Q. Is there a written objective anywhere